

### **Remarks**

Following the amendments above, claims 1-20 are pending in this application. The Examiner has rejected claims 1-9 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The Examiner has rejected claims 18-20 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

#### **A. Rejections under 35 U.S.C. 101**

The Examiner has rejected Claims 1-9 and 18-20 as being directed to non-statutory subject matter. The Examiner specifically rejected claim 1 as merely reciting software per se. (Office Action, p.2) Applicant has amended independent claim 1 such that it does not recite software per se and contends that independent claim 1 and claims 2-9, which depend from it, are now directed to statutory subject matter. The Examiner rejected claims 18-20 as merely reciting a program per se. (Office Action, p.2) Applicant has amended claims 18-20 to include the Examiner's recommended amendments such that these claims are now directed to statutory subject matter. Applicant believes that claims 1-9 and 18-20 are now directed to statutory subject matter and requests that these claims be allowed.

#### **B. Allowable Subject Matter**

The Examiner has allowed claims 10-17.

**Conclusion**

Applicant respectfully submits that pending claims 1-20 of the present invention are allowable and should be passed to issuance.

Respectfully submitted,



---

Roger Fulgham  
Registration No. 39,678

Baker Botts L.L.P.  
910 Louisiana  
One Shell Plaza  
Houston, Texas 77002-4995  
(713) 229-1707

Attorney Docket No.: 016295.1594

Date: December 11, 2006